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Counsel for Defendant BANKS

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDELSEL BANKS,

Defendant.

) No. CR-05-00126-CRB
)
) STIPULATION AND ~~PROPOSED~~
) ORDER TO CANCEL THE SELF-
) SURRENDER DATE.
)
)
) Hearing: November 16, 2005
) Time: 2:15 pm
) Court: Honorable Charles R. Breyer

STIPULATION

Defense counsel, Elizabeth M. Falk, respectfully requests that the self-surrender date of defendant, Edsel Banks be cancelled. Defendant is currently calendared for sentencing before this court on November 16, 2005 at 2:15 p.m. Mr. Banks is scheduled to self-surrender on Monday, October 31, 2005 to the United States Marshals Service in San Francisco, California no later than 12:00 noon.

While defendant was under the care of Robert Franklin, M.D., Doctor Franklin went out on disability which caused delays in rescheduling evaluations and surgery. Defendant since has been under the care of various physicians.

On October 19, 2005 Mr. Banks was found to have a kidney and bleeding problem.

However, on October 25, 2005 Mr. Banks was cleared to have surgery, and has a medical appointment on Friday, October 28, 2005, and a preoperative evaluation scheduled for November 3, 2005.

Defense counsel has contacted United States Probation Officer, Lynne Richards informing her of this. Defense counsel has also contacted Assistant United States Attorney, Monica Fernandez, and has no objection to the cancellation of the self-surrender date of October 31, 2005, until defendant is released from the care of his physician.

IT IS SO STIPULATED

Date: 10/28/2005

/S/
ELIZABETH M. FALK
Assistant Federal Public Defender

Date: 10/28/2005

/S/
MONICA FERNANDEZ
Assistant United States Attorney

I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this e-filed document.

ORDER

GOOD CAUSE SHOWN, it is hereby ORDERED that the self-surrender date of October 31, 2005 to the United States Marshals Service at San Francisco is cancelled until defendant is released from the care of his physician.

Date:
October 28, 2005

THE HONORABLE
UNITED STATES JUDGE
REYER

